

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

JORCO II, L.L.C., an Oklahoma Corporation,)	
)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-05-1510-M
)	
CITY OF CHOCTAW, a Municipal Corporation, et al.,)	
)	
)	
Defendants.)	

ORDER

Before the Court is defendants' Motion for Partial Reconsideration and Amendment of Order, filed May 10, 2006. On May 30, 2006, plaintiff filed its objection and response.

On May 1, 2006, after granting defendants' motion to dismiss as to plaintiff's first and second causes of action, this Court remanded this matter to the District Court of Oklahoma County, State of Oklahoma, based upon the Court's lack of subject matter jurisdiction. Defendants now move this Court to reconsider and amend portions of its May 1, 2006 Order.

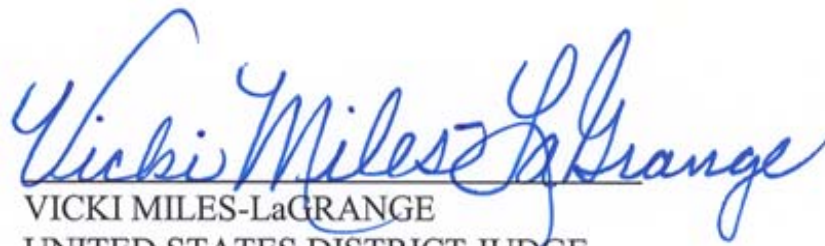
"An order remanding a case to the State court from which it was removed is not reviewable on appeal or otherwise" 28 U.S.C. § 1447(d).¹ This language has been "universally construed" to preclude not only appellate review of the remand order but also to preclude reconsideration of the remand order by the federal district court. 16 Moore's Federal Practice, § 107.42 (Matthew Bender 3d ed.). "Once a district court certifies a remand order to state court, it is divested of jurisdiction and may not take any further action on the case." *Id.*

The remand order in this case was effected by the mailing of a certified copy of that order

¹There is an exception, which does not apply here, for orders remanding a civil rights case under § 1443.

to the clerk of the state district court on May 1, 2006.² Since that date, this Court has lacked jurisdiction over this case. The Court, therefore, finds that it lacks jurisdiction to consider defendants' motion for partial reconsideration and, accordingly, STRIKES defendants' Motion for Partial Reconsideration and Amendment of Order [docket no. 18].

IT IS SO ORDERED this 7th day of June, 2006.



VICKI MILES-LAGRANGE
UNITED STATES DISTRICT JUDGE

²Exhibits to plaintiff's objection and response indicate that this mailing was received and filed in state court on May 3, 2006. The instant motion for partial reconsideration was filed May 10, 2006, seven days after the state district court received and filed the certified mailing and nine days after this Court mailed the certified copy.